Office - Supreme Court, U.S.
FILED
MAY 22 1958
JOHN T. FEY, Clerk

LIBRARY
SUPREME COURT, U. S.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 931

JAMES S. RAIDY

Petitioner,

vs.

UNITED STATES OF AMERICA

Respondent.

PETITIONER'S REPLY BRIEF

BERNARD M. GOLDSTEIN,
1716 Court Square Building
Baltimore 2, Maryland

MARVIN I. SINGER,
Counsel for Petitioner.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 931

JAMES S. RAIDY

Petitioner,

vs.

UNITED STATES OF AMERICA

Respondent.

PETITIONER'S REPLY BRIEF

Inasmuch as this case is based most importantly on the failure to supply proper lighting at night, which was the basis for recovery in *Read* v. *United States*, we consider it necessary to call the Court's attention to the misstatement in the Government's Brief In Opposition, p. 10,

> ". . . In *Read* v. *United States*, 201 F. 2d 758, the Court of Appeals for the Third Circuit granted the protection of seaworthiness to a workman injured by reason of the shipowner's failure to maintain adequate lighting aboard, where, unlike here . . . the shipowner was responsible for the lighting. . . ."

This statement is incorrect. In *Read* the shipyard, not the shipowner, was required by the contract to

> "put up and keep at night suitable and sufficient lights where necessary during the prosecution of the work." (See Court's opinion, 201 F. 2d at page 759 and footnote setting forth pertinent parts of the contract).

Respectfully submitted,

BERNARD M. GOLDSTEIN,

MARVIN I. SINGER,

Counsel for Petitioner.